

FILED
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS
JUN 1 2005

Civil Action No. 05-10286-PBS

DOMINIC DIMODICA,

Plaintiff,

vs.

ROBERT MURPHY, et al.,

Defendants.

PLAINTIFF'S ASSENT
TO THE DEFENDANTS'
MOTION TO EXTEND TIME

The plaintiff, Domenic DiModica, assents to the motion of all of the defendants to extend the time for all of them to respond to plaintiff's complaint to June 30, 2005.

The plaintiff opposes delaying a response beyond that date, regardless of whether pro bono counsel has been appointed by that date, and without the necessity of a status conference.


The plaintiff's has alleged that for 33 years the defendants and their predecessors in office have known that plaintiff is retarded, that he has been raped and repeatedly victimized by other inmates, and that the treatment professionals at the Treatment Center have repeatedly stated that plaintiff does not belong at the Treatment Center, and that the Treatment Center is not providing treatment which would be effective for a person with the plaintiff's mental retardation. For 33 years the defendants have made no reasonable accomodation to the plaintiff's disability. These are allegations are documented by the Report of Dr. Barbara Schwartz the former Director of Treatment at the Treatment Center.

The plaintiff also alleges that the conditions of confinement at the Treatment Center are more restrictive than necessary, and in fact are more restrictive and punitive than comparable level four prisons. (The Treatment Center is considered a Level 4 prison by the Department of Correction.) Assuming all of these facts are true the plaintiff is clearly entitled to relief under the Americans with Disabilities Act and 42 U.S.C. § 1983, the Civil Rights Act of 1871.

The plaintiff has no problem making a reasonable accomodation to the schedule of an overworked attorney, but the plaintiff is unwilling to indefinitely postpone the day when the Department of Correction starts making reasonable accomodations to him.

Respectfully submitted,

Domenic V. DiModica, Plaintiff,


Domenic V. DiModic, Pro Se
Nemansket Correctional Center
30 Administration Rd.
Bridgewater, MA 02324

Certificate of Service

I, Domenic V. DiModica, state under the pains and penalties of perjury that I have served a copy of the foregoing Assent on Attorney Mary Murray, by DOC Mail.

May 28, 2005


Domenic V. DiModica